



New Jersey Office of the Attorney General



NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

PUBLIC SESSION MINUTES

FEBRUARY 24, 2015

A regular meeting of the New Jersey State Board of Physical Therapy Examiners was held at 124 Halsey Street, Newark, New Jersey, in the Somerset Conference Room, 6th Floor, on Tuesday February 24, 2015. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Karen Wilk, Chairperson of the Board**, called the meeting to order at 9:35 A.M. and a roll call was taken and the following attendance was recorded:

BARBARA J. BEHRENS, P.T.A.	Present
DAVID BERTONE, P.T.	Present
JEAN BICKAL, ESQ	Present
MARY B. BROWNE, P.T.	Present
NANCY KIRSCH, P.T.	Present
CINDY MOORE, P.T.	Present
BETH SARFATY, P.T.	Present
KAREN WILK, P.T.	Present

Also present were: **John Hugelmeyer, Deputy Attorney General; Lisa Tadeo, Executive Director**

Members of the public: Cathy Chin, representative of Select Medical and Jessica Fulmino, PT and Brian Mason, representative of the American Physical Therapy Association - New Jersey Chapter and Daniel Klim, Executive Director of the American Physical Therapy Association - New Jersey Chapter

PUBLIC COMMENT

APPROVAL OF THE MINUTES OF NOVEMBER 25, 2014 BOARD MEETING

A motion was made by Nancy Kirsch and seconded by Jean Bickal to accept the minutes of the November 25, 2014 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

V. NEW BUSINESS

A. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch recused herself as she is employed by Rutgers.

The Board reviewed the recommendations of the course reviewers at Rutgers, The State University of New Jersey, formerly the University of Medicine and Dentistry of New Jersey (UMDNJ), for continuing education courses submitted by sponsors for the Board's approval. A motion was made by Mary Browne and seconded by Barbara J. Behrens to accept the course reviewer's recommendations as presented. The 268 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. Nineteen courses were denied, as they did not meet all the requirements set forth in N.J.A.C. 13:39A-9 et. seq. A vote was taken and the motion carried by a unanimous vote.

B. New Jersey Jurisprudence Learning and Assessment Tool

A motion was made by Jean Bickal and seconded by Cindy Moore to mail the same notice that is posted on the Board's website concerning the New Jersey Jurisprudence Assessment Module to all the physical therapists and physical therapist assistants who hold an active license in the State of New Jersey. A vote was taken and the motion carried by a unanimous vote.

The Board noted that it is permissible for applicants to take and pass the Jurisprudence Assessment Module prior to submitting their application for licensure. The applicant can include the verification that they took and passed the Jurisprudence Assessment Module with their application.

C. Board Discussion with Charles Manning, Regulatory Analyst

- Credit towards licensure for education, training and experience received while serving as a member of the Armed Forces
- Authorized practice by a licensed physical therapist
- Requirements for physical therapists to perform dry needling

A motion was made by Jean Bickal and seconded by Nancy Kirsch to adopt N.J.A.C. 13:39A-5.10 *Credit towards licensure for education, training and experience received while serving as a member of the Armed Forces.* A vote was taken and the motion carried by a unanimous vote.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to accept the additional language to the regulation regarding authorized practice by a licensed physical therapist. The Board will forward the additional language to the Regulatory Department for promulgation. A vote was taken and the motion carried by a unanimous vote.

The Board reviewed a draft regulation regarding requirements for physical therapists to perform dry needling. The Board noted that they are still waiting for the Division of Consumer Affairs to provide guidance concerning dry needling. The Board will continue to work on the draft regulation while it waits for the Division's guidance.

D. Inquiry from Maureen Broderick Wilhelm, PT
RE: Scope of Practice

Ms. Wilhelm inquired whether a physical therapist can recommend a TENS unit to a patient and whether a physical therapist can sell the TENS unit he or she is recommending.

A motion was made by Cindy Moore and seconded by David Bertone to table this matter. A vote was taken and the motion carried by a unanimous vote.

E. Letter from Mija Lee
RE: Test of English as a Foreign Language

Ms. Lee inquired if the Board would consider granting her a TOEFL waiver. Ms. Lee informed the Board that she passed the TOEFL in 2004 and CGFNS (Commission on Graduates of Foreign Nursing Schools) has her original 2004 TOEFL scores.

A motion was made by Jean Bickal and seconded by Cindy Moore to advise Ms. Lee that if CGFNS provides the Board with a certified true copy of her TOEFL scores, the Board will accept the scores provided the scores meet the requirement set forth in N.J.A.C. 13:39A-5.7. A vote was taken and the motion carried by a unanimous vote.

F. Inquiry from Sandy Neumann, PT
RE: Supervision

Ms. Neumann inquired about the scope of practice of physical therapist assistants, specifically supervision and documentation.

A motion was made by Barbara J. Behrens and seconded by Beth Sarfaty to inform Ms. Neumann that physical therapist assistants may take measurements and document the session but the responsibility lies with the physical therapist to document a discharge summary. The final note must be from the physical therapist even if the physical therapist assistant was the last clinician to actually see the patient. A vote was taken and the motion carried by a unanimous vote.

G. Inquiry from Ann Espada
RE: Scope of Practice

Ms. Espada inquired whether it is within the scope of practice of a physical therapist to implement enteral feedings.

A motion was made by Nancy Kirsch and seconded by Mary Browne to advise Ms. Espada that it is not within the scope of practice of a physical therapist to implement enteral feedings. A vote was taken and the motion carried by a unanimous vote.

H. Inquiry from Deborah A. Carmen Snow, PT
RE: Permissible Business Structures

Ms. Snow asked the Board to confirm that an individual does not need to hold a physical therapy license in order to own a physical therapy practice in New Jersey.

A motion was made by Jean Bickal and seconded by Beth Sarfaty to advise Ms. Snow that the physical therapist must be autonomous in his or her practice of physical therapy including but not limited to the types of physical therapy services rendered, billing for those physical therapy services, and setting of his or her fee schedule. A physical therapist must

at all times adhere to the statutes and regulations governing his or her practice as a physical therapist in the State of New Jersey including but not limited to N.J.S.A. 45:9-37.21 *Division of fees, payments for referrals* and N.J.S.A. 45:9.37.34(e) *Permitted licensees, natural person; regulations* and N.J.S.A. 14A:17-1 *Professional Service Corporation Act*. A vote was taken and the motion carried by a unanimous vote.

- I. Letter from Priti Balodi
RE: Test of English as a Foreign Language

Ms. Balodi asked the Board if it would waive the Test of English as a Foreign Language (TOEFL) exam as her credential evaluation states that her education is substantially equivalent to a first professional physical therapy master's degree in the United States.

Ms. Balodi received her physical therapy degree from a foreign educational institution. It is required by N.J.A.C. 13:39A-5.7 that an applicant for licensure who has received his or her physical therapy training in a country other than the United States provide the Board with evidence that he or she took and passed all sections of the TOEFL.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to deny Ms. Balodi's waiver request. Ms. Balodi must take and pass all sections of the TOEFL pursuant to N.J.A.C. 13:39A-5.7 as she received her entry level physical therapy degree from a foreign educational institution. A vote was taken and the motion carried by a unanimous vote.

VI. FOR YOUR INFORMATION

- A. Uniform Penalty Letter dated November 26, 2014
In the Matter of Brian Duffy, PT

The Board considered the Uniform Penalty letter dated November 26, 2014 in the matter of Brian Duffy, PT, informational.

- B. Uniform Penalty Letter dated November 26, 2014
In the Matter of Melissa Kerr, PT

The Board considered the Uniform Penalty letter dated November 26, 2014 in the matter of Melissa Kerr, PT, informational.

- C. Uniform Penalty letter dated November 3, 2014
In the Matter of Shelly Palumbo, PT

The Board considered the Uniform Penalty letter dated November 3, 2014 in the matter of Shelly Palumbo, PT, informational.

- D. Uniform Penalty letter dated November 3, 2014
In the Matter of Enrique Arencibia, PT

The Board considered the Uniform Penalty letter dated November 3, 2014 in the matter of Enrique Arencibia, PT, informational.

- E. Final Order filed November 20, 2014
In the Matter of Monika E. Vaynberg, PT

The Board considered the Final Order filed November 20, 2014 in the matter of Monika E. Vaynberg, PT, informational.

- F. Article, "N.J. groups at odds over therapeutic use of needles"

The Board reviewed an article, “N.J. groups at odds over therapeutic use of needles” and considered it informational.

Upon a motion made by Nancy Kirsch and seconded by Mary Browne, the Board voted to go into Executive Session to discuss the following matters involving investigations of violations of the Board’s enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Twenty matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Ten matters where additional information has been submitted to the Board concerning pending investigations.

APPLICATIONS APPROVED BY THE BOARD

1. Ishita Bhatt
2. Lean Miranda
3. Hrishi Pathak
4. Rohan Oza
5. Joseph Rallistan
6. Niyati Vivek Temble
7. Lajja Kunal Parikh
8. Sumeet Patel
9. Mosies Valentino
10. Jitesh Gupta
11. Ami Jani
12. Moises Del Rosario

APPLICATIONS NOT APPROVED BY THE BOARD

1. Sejal Mair
2. Shashi Tank
3. Palak Bhatt
4. Benigno Espeleta
5. Genevieve Hermoso
6. Nestor Laysa
7. Neepa Oza

ADJOURNMENT

The Board returned to Public Session and a motion was made by Beth Sarfaty and seconded by Jean Bickal to adjourn the meeting at 2:15 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo
Executive Director